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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 APEX TECHNOLOGY GROUP, INC.,

9 Plaintiff,

10 v.

11 MW MEDIA, et al.,

12 Defendants.

CASE NO. C17-5211 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION FOR
EARLY DISCOVERY

13 This matter comes before the Court on Plaintiff Apex Technology Group, Inc.'s
14 ("Apex") motion for early discovery (Dkt. 11).

15 Apex requests limited discovery to ascertain the identities of all owners and
16 operators of Eporner.com and Eprncdn.com, websites it alleges have infringed its
17 pornographic videos by duplicating and distributing them without prior authorization.
18 Apex has shown the defendants are real persons or entities, that it cannot identify them
19 without early discovery, and that its suit could possibly withstand a motion to dismiss.
20 *See Columbia Ins. Co. v. Seescandy.com*, 185 F.R.D. 573, 578–80 (N.D. Cal. 1999)
21 (setting forth a test describing when a court could permit discovery prior to a Rule 26(f)
22 conference for the purpose of identifying anonymous defendants). Apex, therefore, may

1 serve discovery demands on WhoisProxy.com, Moniker.com d/b/a Key-Systems GmbH,
2 Domains By Proxy LLC, GoDaddy.com LLC, Copyright Agent c/o Incorporate Now,
3 and PayPal Holdings Inc. for information identifying their customers—Eporner.com's
4 and Eprncdn.com's owners and operators. At this time, Apex may not serve discovery on
5 Internet Service Providers for IP addresses used to access the Defendants' sites, as such
6 discovery goes beyond identifying the Defendants.

7 Therefore, Apex's Motion (Dkt. #11) is **GRANTED in part** and **DENIED in**
8 **part.**

9 **IT IS SO ORDERED.**

10 Dated this 11th day of September, 2017.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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